

RETURN RECEIPT REQUESTED

AUG 30 1991

SDR-922-91-12
3165.3 (922.M)

CERTIFIED-RETURN RECEIPT REQUESTED

DECISION

Tom France
National Wildlife Federation
240 W. Higgins, No. 2
Missoula, Montana 59802

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SDR No. 922-91-12

REVERSED

The National Wildlife Federation (NWF) requested a State Director Review (SDR) on April 22, 1991, of the Great Falls Resource Area (GFRA) Manager's decision approving the Fina Oil and Chemical Company (Fina) application for permit to drill (APD). The request was also on behalf of the Wilderness Society, the Sierra Club, the Montana Wildlife Federation, the Montana Wilderness Association, the CNE Backcountry Horsemen, the Missouri Breaks Audubon Society, and the Great Falls Conservation Council (Appellants). The request was timely received by this office on April 23, 1991.

On April 26, 1991, this office dismissed the SDR because the request did not specifically address any issues related to the Drilling or Hydrogen Sulfide Contingency Plan (Enclosure 1).

In a request dated May 17, 1991, NWF filed an appeal with the Interior Board of Land Appeals (IBLA) over the April 26, 1991, SDR decision. On June 10, 1991, NWF filed a motion for stay of the Fina APD with the IBLA.

On July 18, 1991, Counsel for the BLM requested the case be remanded to the BLM for further review (Enclosure 2). On July 31, 1991, the BLM notified Fina that the decision to approve the APD was stayed until further notice (Enclosure 3). The IBLA approved the BLM request for remand on August 5, 1991 (Enclosure 4).

We have determined that your appeal to the State Director (SD) dated April 22, 1991, and the May 17, 1991, appeal to the IBLA needs to be addressed by the GFRA.

Therefore, we are reversing the Area Manager's (AM) record of decision (ROD) which approved the Fina APD. Approval of the APD has been rescinded. We are directing the AM to conduct an independent review of the surface-related issues in the EIS. If this independent review concludes that the surface resources in the EIS have been adequately addressed, the AM will issue a new BLM ROD. This ROD would then be appealable for up to 20 business days to the SD.

/s/ Thomas P. Lonnie

Thomas P. Lonnie

4 Enclosures

- 1-SDR Decision dated April 26, 1991 (2 pp)
- 2-Request for remand dated July 18, 1991 (3 pp)
- 3-Letter to Fina dated July 31, 1991 (1 p)
- 4-IBLA approval of remand request dated August 5, 1991 (3 pp)

cc: (w/o encls.)

John W. Mumma, U.S. Forest Service, P.O. Box 7669, Missoula,
Montana 59807
DM, Lewistown

cc: (w/encls.)

AM, GFRA

Regional Solicitor

bc: (w/o encls.)

Keith Sandifer, U.S. Forest Service, P.O. Box 869, Great Falls,
Montana 59403

WO(610), PRE Rm. 601

DM, Dickinson

DM, Miles City

MSO (922)

AK SO

AR SO

CA SO

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ESQ

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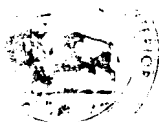
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United States Department of the Interior

BUREAU OF LAND MANAGEMENT
MONTANA STATE OFFICE
222 NORTH 32ND STREET
P.O. BOX 36800
BILLINGS, MONTANA 59107-6800



IN REPLY TO:

SDR-922-91-12
3165.3 (922.L)

April 26, 1991

91-302

RECEIVED

MAY 2

1991

MAY 23 1991

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

DECISION

BOARD OF LAND APPEALS

Mr. Tom France
National Wildlife Federation
240 N. Higgins, No. 2
Missoula, Montana 59802

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SDR No. 922-91-12

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DISMISSED

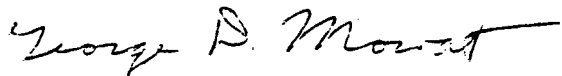
Mr. Tom France, attorney for the National Wildlife Federation has requested a State Director Review (SDR), on behalf of the National Wildlife Federation, the Wilderness Society, the Sierra Club, the Montana Wildlife Federation, the Montana Wilderness Association, the CMR Backcountry Horsemen, the Missouri Breaks Audubon Society, and the Great Falls Conservation Council (Appellants), on the Great Falls Resource Area (GFRA) Manager's decision approving the Fina Oil and Chemical Company (Fina) application for permit to drill (APD). The request was dated April 22, 1991, and was timely received by this office on April 23, 1991 (Enclosure 1).

The Area Manager of the GFRA, approved the Fina APD on March 8, 1991. The site for the proposed Federal South Glacier No. 1-26 well is located in the SE~~1~~/~~4~~NE~~1~~/~~4~~ Section 26, T. 30 N., R. 13 W., PMM, Glacier County, Montana. An Environmental Impact Statement (EIS) was prepared to assess the probable environmental impacts of drilling this well and the Chevron well, located in the SW~~1~~/~~4~~NE~~1~~/~~4~~ of Section 35, T. 29 N., R. 12 W., PMM, Pondera County, Montana, which is approximately 10 miles to the southeast. The final EIS was completed in November 27, 1990, and the ROD on the Fina well was issued February 19, 1991.

As stated in the ROD, Part XI, Appeal Procedures, Page 25, the decisions made by the BLM related to the approval of the Drilling Plan and the Hydrogen Sulfide Contingency Plan are appealable to the State Director, Montana State Office, pursuant to 43 CFR 3165.3. The response by the BLM to the the SDR is only related to the Drilling Plan and the Hydrogen Sulfide Contingency Plan. The U.S. Forest Service will respond to the other issues not specifically related to the Drilling Plan and the Hydrogen Sulfide Contingency plan.

Because the SDR request does not specifically address any issues related to the Drilling Plan and the Hydrogen Sulfide Contingency Plan, we hereby dismiss the SDR filed by the Appellants.

This Decision may be appealed to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR 4.400 and the enclosed Form 1842-1 (Enclosure 2). If an appeal is taken, a Notice of Appeal must be filed in this office at the aforementioned address within 30 days from receipt of this Decision. A copy of the Notice of Appeal and of any statement of reasons, written arguments, or briefs must also be served on the Office of the Solicitor at the address shown on Form 1842-1. It is also requested that a copy of any statement of reasons, written arguments, or briefs be sent to this office. The appellant has the burden of showing that the decision appealed from is in error.



George D. Mowat, Acting
Deputy State Director
Division of Mineral Resources

2 Enclosures

- 1-Appellants Appeal dated April 22, 1991 (81 pp)
- 2-Form 1842-1 (1 p)

cc: (w/o encls.)

Mr. John W. Mumma, U. S. Forest Service, Region 1, P.O. Box 7669
Missoula, Montana 59807

DM, Lewistown
AM, GFRA